

Notice of Allowability	Application No.	Applicant(s)	
	09/557,637	TAMBURRINI ET AL.	
	Examiner ANH H DO	Art Unit 2624	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Amendment on 6/21/2004.
2. The allowed claim(s) is/are 1-45.
3. The drawings filed on 25 April 2000 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1/7/04
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.



ANH HONG DO
PRIMARY EXAMINER

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks (page 12, last line – page 13, first line; and page 14, first and second paragraphs), filed 6/21/2004, with respect to claims 1 and 11 have been fully considered and are persuasive. The rejection of claims 1-8, 11, and 12 has been withdrawn.

Information Disclosure Statement

2. The form PTO-1449 dated 1/7/2004 has been considered and mailed out on 3/22/2004.

3. Claims 1-45 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The present application provides a new method and apparatus for controlling a data reader, in which the risk of laser light exposure is reduced without relying on a double window configuration (specification, page 4, lines 1-2). Particularly, the new method and apparatus comprise the following features, which the prior art taken either singly or in combination does not teach:

- determining whether an object is present or absent from immediately in front of the specific portion of the window by comparing the amount of light detected in the detecting step to an amount of light expected when an object is present immediately in front of the specific portion of the window (see independent claim 1);

- wherein, in the determining step, a first determination is made when the object is present in an immediate vicinity of the window, and a second determination is made when the object is present in a general vicinity of the window, and wherein, in the initiating step, a first data reader control function is initiated when the first determination is made in the determining step, and a second data reader control function is initiated when the second determination is made in the determining step (see independent claim 9);

- determining whether the window is present by comparing the amount of light detected in the detecting step to an amount of light expected when a window is present; and disabling the data reader if it is determined, in the determining step, that the window is not present (see independent claim 11);

- an optical reader having a second light detector, the second light detector positioned behind the window and aimed to detect light arriving from objects located in front of the window, wherein the optical reader is controlled by an assertion of the first output (see independent claim 13);

- determining whether the amount of light detected exceeds a first threshold and initiating a first data reader control function if it is determined that the first threshold is exceeded; and determining whether the amount of light detected exceeds a second threshold and initiating a second data reader control function if it is determined that the second threshold is exceeded (see independent claim 40).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH H DO whose telephone number is 703-308-6720.

The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID K MOORE can be reached on 703-308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 22, 2005.


ANH HONG DO
PRIMARY EXAMINER